IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1572 OF 2006

Pimpri-Chinchwad Mahanagarpalika
Karmachari Mahasangh. ...Petitioner.
Vs.
Primpri-Chinchwad Municipal Corporation &Ors. ...Respondents.
....
Ms.Manisha Virkhare i/b. Mr.Bhavesh Parmar for the Petitioner.
Mr. N. V. Walawalkar with Mr. D.R. More for Respondent No.1.
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CORAM : DR.D.Y.CHANDRACHUD, J.

June 22, 2006.

P.C.

The Petitioner represents the cause of Nurses working under the First Respondent. These nurses had worked continuously with artificial breaks for a sufficiently long period of time. In a batch of complaints of unfair labour practices (ULP 198, 209 and 303 of 2004) the Industrial Court had granted an interim protection by directing the Municipal Corporation to give priority to the complainants whenever the question of filling up leave vacancies would arise. In a challenge to that order by the Union, a Learned Single Judge of this Court, by an order dated 8th September 2005, confirmed the protection granted by the

Industrial Court in respect of the claim against leave vacancies. The Learned Single Judge also directed that any appointment made against a clear vacancy in pursuance of the advertisement which had been issued at that stage, would be subject to the result of the complaint. In the meantime, another complaint being ULP 161 of 2000 was filed in which an order was passed on 21st September 2001. That order was challenged before this Court in Writ Petition No.4779 of 2001, which was dismissed by a Learned Single Judge on 25th April 2006.

Counsel appearing on behalf of the Respondents has stated that in compliance with the orders passed by the Industrial Court on 7th April 2005 and by this Court on 8th September 2005, the advertisement which was issued by the Municipal Corporation specifically refers to the protection which has been granted therein in respect of recruitment against leave or clear vacancies.

In that view of the matter, the Industrial Court was justified in declining to grant any further interim relief by its impugned order dated 30th January 2006. Counsel appearing on behalf of the Municipal Corporation has assured the Court that the

Municipal Corporation will duly implement the protective order that holds the field as indicated above in respect of those nurses who had applied in pursuance of the advertisement and are otherwise found to be eligible and suitable.

The petition is dismissed.

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